

**RESOLUTION FOR MEMBER PARTICIPATION IN COOPERATIVE PURCHASING SYSTEM**

**WHEREAS**, P.L. 2011, c. 139 allows contracting units to enter into agreement with state, regional, or single government agencies that award contracts for its own use and is authorized under its own laws to extend those contracts to other government agencies; and

**WHEREAS**, on October 22, 2013 the Board of Commissioners of the Toms River MUA authorized the Executive Director to enter into agreement and the Authority to participate in the NJPA Purchasing System; and

**WHEREAS**, on August 24, 2018, the Toms River MUA was notified that NJPA will now be known as Sourcewell; and

**WHEREAS**, the Sourcewell has offered voluntary participation in a Cooperative Purchasing System for the purchase of goods and services; and

**WHEREAS**, it is the desire of the Toms River MUA to utilize the Sourcewell Cooperative Purchasing System to purchase goods and or services, to make the procurement process more efficient and to provide cost savings to the Toms River MUA.


NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOMS RIVER MUNICIPAL UTILITIES AUTHORITY, COUNTY OF OCEAN, STATE OF NEW JERSEY, as follows:

1. That the Board of Commissioners of the Toms River Municipal Utilities Authority does hereby authorize the Executive Director to enter into agreement and the Authority to participate in the Sourcewell Cooperative Purchasing System.
2. That the Authority shall be responsible to ensure that the goods and or services procured through the system comply with all applicable laws of the State of New Jersey, Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq) and all other provisions of the revised statutes of the State of New Jersey.
3. That this resolution shall take effect immediately upon passage.

**CERTIFICATION**

I, Georgia Benyola, Assistant Secretary of the Toms River Municipal Utilities Authority, County of Ocean and State of New Jersey, do certify that the foregoing resolution was duly passed by the Board of Commissioners of the Toms River Municipal Utilities Authority at a regular meeting of said Authority on the 25<sup>th</sup> day of September, 2018.

IN WITNESS, WHEREOF, I have hereunto set my hand and seal of this Authority this 25<sup>th</sup> day of September, 2018.

  
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Georgia Benyola, Assistant Secretary

RESOLUTION FOR MEMBER PARTICIPATION IN A COOPERATIVE PRICING SYSTEM

A Resolution Authorizing the Toms River MUA  
To Enter Into a Cooperative Pricing Agreement

**WHEREAS**, N.J.S.A. 40A:11-11 (5) authorized contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

**WHEREAS**, the Hunterdon County Educational Services Commission, hereinafter referred to as the "lead Agency" has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services; and

**WHEREAS**, on September 25, 2018 the Board of Commissioners of the Toms River Municipal Utilities Authority, County of Ocean, State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services; and

**WHEREAS**, it is the desire of the Toms River Municipal Utilities Authority to join the Hunterdon County Educational Services Commission Cooperative Pricing System to purchase goods and or services, to make the procurement process more efficient and to provide cost savings to the Authority.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOMS RIVER MUNICIPAL UTILITIES AUTHORITY, COUNTY OF OCEAN, STATE OF NEW JERSEY, as follows:

1. That pursuant to N.J.S.A. 40A:11-11 (5), the Board of Commissioners of the Toms River Municipal Utilities Authority does hereby authorize the Executive Director to enter into agreement and the Authority to participate in the Hunterdon County Educational Services Commission Cooperative Pricing System.
2. That the Lead Agency shall be responsible for complying with the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and all other provisions of the revised statutes of the State of New Jersey.
3. That this resolution shall take effect immediately upon passage.

**CERTIFICATION**

I, Georgia Benyola, Assistant Secretary of the Toms River Municipal Utilities Authority, County of Ocean and State of New Jersey, do certify that the foregoing resolution was duly passed by the Board of Commissioners of the Toms River Municipal Utilities Authority at a regular meeting of said Commissioners on the 25<sup>th</sup> day of September, 2018.

IN WITNESS, WHEREOF, I have hereunto set my hand and seal of this Authority this 25<sup>th</sup> day of September, 2018.

  
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Georgia Benyola, Assistant Secretary

**TOMS RIVER MUNICIPAL UTILITIES AUTHORITY**

**RESOLUTION RATIFYING ACTIONS OF THE TOMS RIVER  
MUNICIPAL UTILITIES AUTHORITY BOARD OF COMMISSIONERS  
APPOINTING ROBERT J. DiBIASE AS EXECUTIVE DIRECTOR OF  
THE TOMS RIVER MUNICIPAL UTILITIES AUTHORITY**

**WHEREAS**, Stephen C. Acropolis informed the Board of Commissioners of the Toms River Municipal Utilities Authority (“TRMUA”) that he was retiring from his position of Executive Director of the TRMUA effective October 1, 2018, as well as his positions of Secretary, Treasurer, and OPRA Custodian; and

**WHEREAS**, before the departure of the Mr. Acropolis, the Board of Commissioners initiated a process to select and hire a new Executive Director who would also fill the void of Mr. Acropolis’s other positions; and

**WHEREAS**, at a special meeting held on August 13, 2018, the Board of Commissioners appointed Mr. Robert J. DiBiase as the candidate for the position of Executive Director pending acceptance of his employment contract by both parties; and

**WHEREAS**, at a regular meeting held on August 28, 2018, the Board of Commissioners approved the employment contract; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Commissioners of the Toms River Municipal Utilities Authority, County of Ocean, State of New Jersey, as follows:

1. All sections of the preamble are hereby adopted by the Board of Commissioners as if fully set forth herewith.
2. The actions of the Board of Commissioners taken on the record at the special meeting of August 13, 2018, and regular meeting of August 28, 2018, concerning the appointment of Robert J. DiBiase as Executive Director and his employment contract are hereby ratified.
3. Robert J. DiBiase is hereby appointed to the positions of Secretary, Treasurer, and OPRA Custodian.
4. The above appointments are effective September 5, 2018:

**BE IT FURTHER RESOLVED**, that a certified copy of this Resolution be forwarded to the following:

1. Chairman and Commissioners;
2. Stephen C. Acropolis, former Executive Director;
3. Robert J. DiBiase;
4. James J. Gluck, Esq., Authority Attorney; and
5. All other parties in interest.

**CERTIFICATION**

I, Georgia Benyola, Assistant Secretary of the Toms River Municipal Utilities Authority, County of Ocean, State of New Jersey, hereby certify that the foregoing resolution is a true and correct copy of a resolution adopted at a Public Meeting held on September 25, 2018.

  
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Georgia Benyola, Assistant Secretary

**TOMS RIVER MUNICIPAL UTILITIES AUTHORITY**

**RESOLUTION RATIFYING ACTIONS OF THE TOMS RIVER  
MUNICIPAL UTILITIES AUTHORITY BOARD OF COMMISSIONERS  
AUTHORIZING CHANGE NO. 2 AND FINAL PAYMENT FOR THE  
WEST BAY VIEW DRIVE IMPROVEMENTS PROJECT  
TO DEFINO CONTRACTING COMPANY**

**WHEREAS**, at the July 24, 2018 regularly held Authority meeting, the Board of Commissioners (hereinafter "Board") of the Toms River Municipal Utilities Authority (hereinafter "TRMUA"), County of Ocean, State of New Jersey authorized the payment of Change Order No. 2 for the undisputed portion in the amount of \$46,891.67; and

**WHEREAS**, the Board directed the Authority Attorney to initiate discussions with DeFino Contracting Company ("DeFino") over the disputed portion of Change Order No. 2 in the amount of \$20,336.12 for asphalt price adjustments; and

**WHEREAS**, after these discussions, DeFino agreed to accept \$18,336.12 for the asphalt price adjustments; and

**WHEREAS**, in accordance with N.J.S.A. 5:30-14.4, the Executive Director recommended that the disputed, as well as undisputed, portion of Change Order No. 2 is reasonable and necessary and is in the best interest of the ratepayers and customers of the TRMUA; and

**WHEREAS**, the Executive Director further recommended that the remainder of Change Order No. 2 be authorized and that the contract issued to DeFino Contracting Company be increased \$18,336.12 and the contract be commensurately increased from \$674,695.67 to \$693,031.79; and

**WHEREAS**, at the August 28, 2018 regularly held Authority meeting, the Board authorized the payment of the disputed portion of Change No. 2 in the amount of \$18,336.12, for the West Bay View Drive Improvements Project (hereinafter "Project"); and

**WHEREAS**, the Board further resolved that final payment should be issued pending receipt and acceptance of the contract closeout documents by the Authority Attorney; and

**WHEREAS**, Change No. 2 in its entirety exceeds the twenty percent (20%) change order threshold of the original contract price and, therefore, notice shall be provided to the Director of the Division of Local Government Services; and

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioner of the Toms River Municipal Utilities Authority, County of Ocean, and State of New Jersey, as follows:

1. All sections of the preamble are hereby adopted by the Board of Commissioners as if fully set forth herewith.
2. The actions of the Board of Commissioners taken on the record at the meeting of August 28, 2018, concerning the disputed portions of Change No. 2 and final payment of the Project are hereby ratified.

**BE IT FURTHER RESOLVED**, that a certified copy of this Resolution be forwarded to the following:

1. Chairman and Commissioners;
2. Stephen C. Acropolis, Executive Director;
3. James J. Gluck, Esq., Authority Attorney;
4. DeFino Contracting Company; and
5. All other parties in interest.

**CERTIFICATION**

I, Georgia Benyola, Assistant Secretary of the Toms River Municipal Utilities Authority, County of Ocean, State of New Jersey, hereby certify that the foregoing resolution is a true and correct copy of a resolution adopted at a Public Meeting held on September 25, 2018.

  
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Georgia Benyola, Assistant Secretary

I, Rosemary Rosetto, Chief Financial Officer of the Toms River Municipal Utilities Authority, hereby certify to the Commissioners of the Toms River Municipal Utilities Authority that I have reviewed the Authority's budget for 2018 and find that funds are available under the account number 604-8110 noted above.

I hereby certify that the foregoing statements made by me are true. I am also aware that if any of the foregoing statements made by me are false, I am subject to punishment.

  
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Rosemary Rosetto, Chief Financial Officer

**TOMS RIVER MUNICIPAL UTILITIES AUTHORITY**

**RESOLUTION AUTHORIZING THE RELEASE OF THE PERFORMANCE BOND AND ACCEPTANCE OF THE MAINTENANCE BOND FOR DEFINO CONTRACTING COMPANY FOR THE WEST BAY VIEW DRIVE IMPROVEMENTS PROJECT**

**WHEREAS**, DeFino Contracting Company, 28 Industrial Drive, Cliffwood Beach, New Jersey 07735, was awarded a contract with the Toms River Municipal Utilities Authority ("TRMUA"), in the amount of \$473,400.00 for the West Bay View Drive Improvements Project; and

**WHEREAS**, Change Order No. 1 was submitted for approval by the Board of Commissioners ("Board") to increase the contract price by \$154,404.00 resulting in a contract price of \$627,804.00; and

**WHEREAS**, the Board approved Change Order No. 1 on February 27, 2018; and

**WHEREAS**, Change Order No. 2 was submitted for approval by the Board of Commissioners to increase the contract price \$67,227.79; and

**WHEREAS**, the Board approved undisputed portion of Change No. 2 in the amount of \$46,891.67 on July 24, 2018; and

**WHEREAS**, the Board approved the disputed part of Change No. 2 in the amount of \$18,336.12 on August 28, 2018, resulting in a total contract price of \$693,031.79; and

**WHEREAS**, DeFino had posted a bond to guarantee the Borough the proper performance of the required improvements for the project; and

**WHEREAS**, the Consulting Engineer, Suburban, certified that the Project is complete and recommended the release of the Performance Bond and acceptance of the Maintenance Bond produced by DeFino in the amount of \$693,031.79 with an expiration date of June 18, 2019; and

**WHEREAS**, the Authority Attorney, James J. Gluck, Esq., found the Maintenance Bond to be acceptable in both legal form and content; and

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Toms River Municipal Utilities Authority, County of Ocean, and State of New Jersey, as follows:

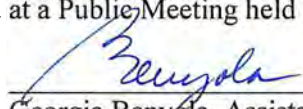
1. Performance Bond for the West Bay View Drive Improvements Project is hereby released and the Maintenance Bond in the amount of \$693,031.79 is accepted as proposed.
2. The QPA is hereby directed to return the Performance Bond to DeFino Contracting Co.

**BE IT FURTHER RESOLVED**, that a certified copy of this Resolution be forwarded to the following:

1. Chairman and Commissioners;
2. Stephen C. Acropolis, Executive Director;
3. Richard MacDonald, QPA;
4. James J. Gluck, Esq., Authority Attorney;
5. DeFino Contracting Company; and
6. All other parties in interest.

**CERTIFICATION**

I, Georgia Benyola, Assistant Secretary of the Toms River Municipal Utilities Authority, County of Ocean, State of New Jersey, hereby certify that the foregoing resolution is a true and correct copy of a resolution adopted at a Public Meeting held on September 25, 2018.

  
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Georgia Benyola, Assistant Secretary

## R E S O L U T I O N

**WHEREAS**, the State of New Jersey, Department of Community Affairs, Division of Local Government Services had issued, on August 14, 2015 Local Finance Notice (LFN) 2015-14; and

**WHEREAS**, said notice, pursuant to Section 3 of P.L. 2013, c28, effective July 1, 2014 authorized local unit of government to adopt an ordinance or resolution, as appropriate, to provide mandatory direct deposit of net pay for all employees; and

**WHEREAS**, it is the desire of the Board of Commissioners of the Toms River Municipal Utilities Authority to adopt a resolution in accordance with Section 3 of P.L. 2013, c.28.

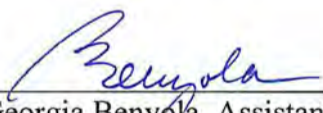
**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOMS RIVER MUNICIPAL UTILITIES AUTHORITY, COUNTY OF OCEAN AND STATE OF NEW JERSEY**, as follows:

1. That the Board of Commissioners of the Toms River Municipal Utilities Authority does hereby adopt a resolution authorizing the mandatory direct deposit of net pay for all its employees.
2. That a certified copy of this resolution shall be forwarded to the Executive Director, Chief Financial Officer, Human Resources and the Purchasing Agent.

## C E R T I F I C A T I O N

I, Georgia Benyola, Assistant Secretary of the Toms River Municipal Utilities Authority, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Board of Commissioners on September 25, 2018.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Authority this 25<sup>th</sup> day of September, 2018.

  
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Georgia Benyola, Assistant Secretary